



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,067	06/24/2003	Bo T. Jones	21331.00	1217
7590	12/01/2004		EXAMINER	
Richard C. Litman LITMAN LAW OFFICES, LTD. P.O. Box 15035 Arlington, VA 22215			NEGRON, ISMAEL	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/602,067	JONES, BO T.
	Examiner Ismael Negron	Art Unit 2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 June 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-8 and 12-15 is/are allowed.
- 6) Claim(s) 16-18 is/are rejected.
- 7) Claim(s) 9-11 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 24 June 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20040623</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Title

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: **LED Vehicle Wheel Well Illumination Device.**

Abstract

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

2. The abstract of the disclosure is objected to because it fails to concisely describe the claimed invention structure. Correction is required. See MPEP § 608.01(b).

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "30" has been used to designate both "*LED bulbs*" (page 9, line 10) and "*colored LED bulbs*" (page 12, lines 2 and 3).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claim 9 is objected to because of the following informalities: it recites the limitation "*yellow LEDs on the right side of the vehicle*" in line 3, implying that such yellow LEDs were previously presented as part of the claimed invention, however, there is insufficient antecedent basis for this limitation in the claim.

In addition, note “*white LEDs in the wheel light device*” in Claim 10 (line 2), and “*all red LEDs in the wheel light device*” in Claim 11 (lines 1 and 2), objected for the same reasons as Claim 9.

The cited lack of antecedent basis do not amount to indefiniteness under 35 U.S.C. 112, second paragraph, however, appropriate correction is required to place the claims in proper form for allowance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 16-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 16 recites the limitation "*the outer fender flare is made of thermoplastic.*" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim. The applicant is advised that a preamble is generally not accorded any patentable weight where it merely recites the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). The

applicant is further advised that the claimed invention, as defined by the claims, is a light device, not the combination (emphasis added) of a vehicle (or a vehicle fender) with the light device. By being directed to the structure of the vehicle fender Claim 16 is indefinite as it is unclear if the claimed invention includes the newly recited fender flare, or if such fender flare is merely part of the environment on which the claimed invention is intended to be used.

7. Claims 17 and 18 are indefinite for the same reasons as Claim 16. The Examiner respectfully suggests that Claims 16-18 be cancelled.

Relevant Prior Art

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chandler (U.S. Pat. 4,802,069), **Di Gaetano** (U.S. Pat. 5,040,100), **Lavicska** (U.S. Pat. 5,573,686), **Fong** (U.S. Pat. 6,422,725), **Schmidt et al.** (U.S. Pat. 6,685,349) and **Sharper** (U.S. Pat. 6,817,743) disclose various types of vehicle wheel wells illumination devices.

Machida et al. (U.S. Pat. 5,062,027), **Kondo et al.** (U.S. Pat. 5,099,401), **Louy et al.** (U.S. Pat. 5,373,280), **Montalan et al.** (U.S. Pat. 5,490,049), **Okuda** (U.S. Pat. 5,700,080), **Kidd et al.** (U.S. Pat. 6,015,223), **Huang** (U.S. Pat. 6,149,288), **Bedrosian et al.** (U.S. Pat. 6,276,822), **Yamada et al.** (U.S. Pat. 6,367,950), **Huang** (U.S. Pat.

6,461,028) and Chiang (U.S. Pat. 6,505,9630 disclose LED vehicle illumination devices capable of providing wheel well illumination.

Allowable Subject Matter

9. Claims 1-8 and 12-15 are allowed.
10. Claims 9-11 would be allowable if amended to overcome the objections indicated in Section 4 of the instant Office Action.
11. The following is a statement of reasons for the indication of allowable subject matter:

Applicant teaches a vehicle wheel well illumination device having a housing including a plurality of LED bulbs, a reflector, a reflective fixture and a transparent lens. A plurality of mounting screws disposed in a plurality of apertures is used in addition of a mounting adhesive to hold the illumination device to a vehicle wheel well. A waterproofing gasket and a water seal canal protect the components of the device from water. A plurality of resistors provides resistance for the vehicle battery powering the device.

No prior art was found teaching individually, or suggesting in combination, all of the features of the applicants' invention, specifically the claimed combination of structural features.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negron whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (571) 272-2378. The facsimile machine number for the Art Group is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications maybe obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.



**JOHN ANTHONY WARD
PRIMARY EXAMINER**



Inr

November 26, 2004